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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,900

07/07/2005

Simon Leslie Huckle

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510-8001

EXAMINER

ANDERSON, FOLASHADE

ART UNIT

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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,900	Applicant(s) HUCKLE, SIMON LESLIE	
	Examiner FOLASHADE ANDERSON	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/07/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the first non-final office action in response to Applicant's submission filed on 07/07/2005. Currently, claims 1-9 are pending.

Information Disclosure Statement

2. No information disclosure statement (IDS) was considered by the Examiner in the prosecution of the claims of the instant application.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" of figure 1 has been used to designate both programming input (p. 3, line 16) and storage device (p. 5, line 1). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

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description: step 21 (p.4, line 2) and storage data 38 (p. 8, line 7). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 222 of figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The specification has not been checked to the extent necessary to determine the presence of all possible minor drawing errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Specification

7. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

8. The disclosure is objected to because of the following informalities applicant has not included section headings per 37 CFR 1.77(c).

Appropriate correction is required.

Claim Objections

9. Claim objected to because of the following informalities:

- use of bullets in the claimed limitation see 37 CFR 1.75(i).
- The term "fulfil" should be fulfill, see p. 13, line14

Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. The preamble states of independent claims 1, 5 and 9 recite "information derived from sales engineers;" however the preamble provides neither structural limitations of statement of purpose when reviewed with the entire claim. While the preamble is not considered a limitation it should state a purpose or intent for the use of the invention, MPEP 2111.02.

Claims 2-4 and 6-8 are rejected based upon the same rationale, since the claims depend from claims 1 and 5 respectively they suffer similar deficiencies.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonten (US Patent 6,708,156) in view of Franco (US Patent 7,257,552 B1).

14. Claims 1 and 5

Gonten teaches a method of communicating market information derived from sales engineers, the method comprising

- generating a computer input interface for inputting sales data of the components (col. 7, lines 22-30) for use in the customer product under control of the stored list of functions for the identified equipment type (**this portion of the limitation is being interpreted by the Examiner as a statement of intended use. A**

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recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim), providing input fields for receiving sales data of components per function in the customer product (**col. 9, lines 1-3, 10-13 and 30-35**);

- entering the sales data in the fields (**col. 9, lines 1-3, 10-13 and 30-35**);
- storing the sales data entered in the fields and said number in a storage device(**col. 5, line 3 and col.9, lines 3-14**);
- gathering the sales data for a selected one or more of the functions entered for different products from the storage device (**col. 9, lines 24-30**);
- computing market volume data for the selected one or more functions from the gathered sales data in the storage device (**col. 9, lines 30-38 and col. 12, lines 42-47**);
- output information about the market volume on a display device (**col. 9, lines 40-47**).

Goten further teaches data files containing information on a specific product (col. 9, line 22-25), panel data on a particular product (col. 11, lines 36-38) and shopper loyalty club data (col. 16, lines 53-56); which all imply that specific product identification data is available since the system can run market volume calculation on class of products or a per product basis (col. 9, lines 25-30). Nonetheless Goten does not expressly teach:

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- storing computer readable descriptions of a plurality of different types of equipment, each description containing a list of functions fulfilled by components of the equipment
- receiving an equipment type identification of a customer product and information specifying a projected manufacturing volume of the customer product;

However Franco teaches these features in the analogous art of real time processing of consumer products:

- storing computer readable descriptions of a plurality of different types of equipment, each description containing a list of functions fulfilled by components of the equipment (**col. 14, lines 41-46**)
- receiving an equipment type identification of a customer product and information specifying a projected manufacturing volume of the customer product (**col. 7, lines 3-5 and col. 15, lines 45-50**);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Gonten the storing computer readable descriptions of a plurality of different types of equipment, each description containing a list of functions fulfilled by components of the equipment and receiving an equipment type identification of a customer product and information specifying a projected manufacturing volume of the customer product as taught by Franco since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of

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ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 1 is directed toward the system for the implantation of the method of claim 5 it is implied in the method as recited and suffers similar deficiencies; therefore it is rejected based upon the same rationale given above with respect to the method.

15. Claims 2 and 6

Gonten and Franco teach the method of communicating market information according to Claim 5, and Franco further teaches the method comprising computing the manufacturing volume of the customer product from sales volume for at least one of the functions (**col. 14, lines 7-10 and col. 15, lines 45-50**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Gonten computing the manufacturing volume of the customer product from sales volume for at least one of the functions as taught by Franco since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 2 is directed toward the system for the implantation of the method of claim 6 it is implied in the method as recited and suffers similar deficiencies; therefore it is rejected based upon the same rationale given above with respect to the method.

16. Claims 3 and 7

Gonten and Franco teach the method of communicating market information according to Claim 5, and Franco further teaches wherein the information specifying the manufacturing volume is entered representing the projected manufacturing volume dependent on time (**col.7, lines 8-10**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Gonten the information specifying the manufacturing volume is entered representing the projected manufacturing volume dependent on time as taught by Franco since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 3 is directed toward the system for the implantation of the method of claim 7 it is implied in the method as recited and suffers similar deficiencies; therefore it is rejected based upon the same rationale given above with respect to the method.

17. Claims 4 and 8

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Gonten and Franco teach the method of communicating market information according to Claim 5, Gonten further teaches the method comprising providing, in the interface, per function a field for entering information (**col. 9, lines 1-3, 10-13 and 30-35**) about a reason why a specified component was not sold for implementing the function, the method comprising gathering the information about said reason for the specified component for different products from the storage device and to output the gathered information about said reason on the display device (**this portion of the limitation is being interpreted by the Examiner as non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP, 2106**).

Claim 4 is directed toward the system for the implantation of the method of claim 8 it is implied in the method as recited and suffers similar deficiencies; therefore it is rejected based upon the same rationale given above with respect to the method.

18. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornson et al (6,173,210 B1) in view of Mikurak (US Patent 6,6718,818 B1).

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19. Claim 9

Bjornson teaches a method of communicating market information derived from sales engineers, the method comprising

- providing computer readable descriptions of a plurality of different types of equipment, each description containing a list of functions fulfilled by components of the equipment(**figure 33 and 34, along with descriptive text; col. 38, lines 51-67, col. 39, lines 1-4 and col. 46**);
- information specifying a number of pieces of the specified piece of equipment (**figure 33 and 34, along with descriptive text**)
- displaying information about opportunities to sell components to fulfill functions in the specified equipment for which no sales data has been entered (**figure 23, along with descriptive text and col. 15, lines 15-19**).

Bjornson does not teach the following features; however Mikurak does in the analogous art of supply chain management structuring electronic input of sales data of the components under control of the descriptions so that the function to be fulfilled by components sold in a specified type of equipment are computer readable (**col. 51, lines 21-25 and col. 258, lines 33-39**);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Bjornson the management structuring electronic input of sales data of the components under control of the descriptions so that the function to be fulfilled by components sold in a specified type of equipment are

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computer readable, as taught by Mikurak since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Satake et (US Patent 7,099,724 B2), teaches manufacturing volumes. Delurgio et al (US Patent 7,092,918 B2), teaches product identification information. Deaton et al (US Patent 6,292,786 B1) teaches real time sales data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/Andre Boyce/
Primary Examiner, Art Unit 3623